



House of Representatives

File No. 653

General Assembly

February Session, 2000

(Reprint of File No. 432)

Substitute House Bill No. 5055
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 19, 2000

An Act Concerning Soil Amendments And Agricultural Liming Materials.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) As used in sections 1 to 12, inclusive, of this act:
- 2 (1) "Soil amendment" means any substance intended to improve the
3 physical or chemical characteristics of the soil, but does not mean
4 commercial fertilizers, agricultural liming materials, unmanipulated
5 animal manures, unmanipulated vegetable manures, compost,
6 pesticides or other material exempted by regulations adopted by the
7 commissioner under section 12 of this act;
- 8 (2) "Soil ingredient form" means the chemical compound of an
9 ingredient such as a salt, chelate, oxide, acid or similar descriptor or
10 the physical form of an ingredient;
- 11 (3) "Brand" means the trademark, product name or other specific
12 designation under which individual soil amendments are offered for
13 sale;

- 14 (4) "Bulk" means without packaging;
- 15 (5) "Distribute" means import, consign, produce, compound, mix or
16 blend soil amendments for use in this state, or to offer for sale, sell,
17 barter or otherwise supply soil amendments in this state;
- 18 (6) "Distributor" means any person who imports, consigns,
19 produces, compounds, mixes or blends soil amendments for use in this
20 state, or who offers for sale, sells, barterers or otherwise supplies soil
21 amendments in this state;
- 22 (7) "Investigational allowance" means an accounting for variations
23 inherent in the taking, preparation and analysis of an official sample of
24 a soil amendment;
- 25 (8) "Label" means the display of all handwritten, printed or graphic
26 matter upon a container or statement accompanying a soil
27 amendment;
- 28 (9) "Labeling" means all handwritten, printed or graphic matter
29 upon or accompanying any soil amendment, or advertisements,
30 brochures, posters or television or radio announcements used in
31 promoting the sale of such amendment;
- 32 (10) "Minimum percentage" means that per cent of soil amending
33 ingredient required to be present in a product before the product will
34 be accepted for registration when the ingredient is mentioned in any
35 form or manner;
- 36 (11) "Official sample" means any sample of soil amendment taken
37 by the commissioner or an agent of the commissioner and that the
38 commissioner designates as official;
- 39 (12) "Per cent or percentage" means a portion of a soil amendment
40 by weight;
- 41 (13) "Person" means an individual, partnership, corporation, limited
42 liability company or association;

43 (14) "Registrant" means the person who registers soil amendments
44 under the provisions of section 2 of this act;

45 (15) "Soil amending ingredient" means a substance that will improve
46 the physical or chemical characteristics of soil so that it will be more
47 productive;

48 (16) "Weight" means the weight of material as offered for sale;

49 (17) "Director" means the director of the Connecticut Agricultural
50 Experiment Station; and

51 (18) "Commissioner" means the Commissioner of Agriculture.

52 Sec. 2. (NEW) (a) No person may distribute a soil amendment unless
53 it has been registered with the commissioner in accordance with the
54 provisions of this section. An application for registration shall be
55 submitted annually to the commissioner on the form furnished or
56 approved by the commissioner. Upon approval of the application by
57 the commissioner, a copy of the registration shall be furnished to the
58 applicant. Such registration shall expire on September thirtieth of the
59 following year. Each distributor shall submit to the commissioner a
60 copy of labels and any advertising literature for each soil amendment
61 with the registration application.

62 (b) A distributor shall not be required to register any brand of soil
63 amendment that is already registered under this section by another
64 person, providing the label does not differ in any respect.

65 (c) Before registering any soil amendment, the commissioner may
66 require evidence to substantiate the claims made for the soil
67 amendment and proof of the value and usefulness of the soil
68 amendment.

69 Sec. 3. (NEW) (a) The following information shall appear on the face
70 or display side of any package or container of soil amendment offered
71 for sale at retail, shall be in a readable and conspicuous printed form
72 and shall be affixed as a label: (1) The net weight of the product; (2) the

73 brand of the product; and (3) a guaranteed analysis of the product
74 including (A) all soil amending ingredients and any other ingredients,
75 (B) the purpose of the product, (C) directions for application, and (D)
76 the name and address of the soil amendment registrant.

77 (b) In the case of bulk shipments, the information required in
78 subsection (a) of this section may be in handwritten or printed form,
79 shall accompany delivery and shall be supplied to the purchaser at the
80 time of delivery.

81 (c) No information or statement may appear on any package, label
82 delivery slip or advertising matter that is false or misleading to the
83 purchaser as to the use, value, quality, analysis, type or composition of
84 the soil amendment.

85 (d) The commissioner may require proof of claims made for any soil
86 amendment. If no claims are made, the commissioner may require
87 proof of usefulness and value of the soil amendment. For evidence of
88 proof the commissioner may rely on experimental data, evaluations or
89 advice supplied from such sources as the director if design of the
90 experiment is related to conditions in this state under which the
91 product is to be used. The commissioner may accept or reject other
92 sources of proof deemed to be reliable as additional evidence in
93 evaluating soil amendments.

94 (e) No soil amending ingredient may be listed on labels or labeling
95 of soil amendments without the permission of the commissioner. The
96 commissioner may allow a soil amending ingredient to be listed on the
97 label or labeling if satisfactory supportive data is provided to
98 substantiate the value and usefulness of the soil amending ingredients.
99 The commissioner may rely on authoritative sources, including, but
100 not limited to, the director, for assistance in evaluating any such data
101 submitted. When a soil amending ingredient is permitted to be listed,
102 the presence of such ingredient in such amendment shall be detectable
103 by laboratory methods and shall be subject to inspection and analysis.
104 The director may prescribe methods and procedures of inspection and

105 analysis of the soil amending ingredient.

106 (f) The commissioner may allow labeling to include listing
107 proportions of ingredients in soil amendments by volume rather than
108 by weight.

109 Sec. 4. (NEW) No person may distribute a misbranded soil
110 amendment. A soil amendment shall be deemed to be misbranded if:
111 (1) Its labeling is false or misleading; (2) it is distributed under the
112 name of another soil amendment; (3) it is not labeled as required in
113 section 3 of this act and in accordance with regulations adopted under
114 section 12 of this act; (4) it purports to be, or is represented as, a soil
115 amendment, or is represented as containing a soil amendment that has
116 a definition in regulations adopted by the commissioner in accordance
117 with section 12 of this act unless it conforms to such definition; or (5) it
118 does not conform to the prescribed soil ingredient form, minimum
119 percentages, labeling or investigational allowances provided for in the
120 regulations adopted by the commissioner under section 12 of this act.

121 Sec. 5. (NEW) No person may distribute an adulterated soil
122 amendment. A soil amendment shall be deemed to be adulterated if:
123 (1) It contains any deleterious or harmful agent in sufficient amount to
124 render it injurious to beneficial plant or animal life when applied in
125 accordance with directions for use on its label, or if adequate warning
126 statements and directions for use that may be necessary to protect
127 beneficial plant or animal life are not on the label; (2) its composition
128 differs from that which it is purported to be in its labeling; or (3) it
129 contains unwanted crop or weed seed.

130 Sec. 6. (NEW) (a) The commissioner or the commissioner's designee
131 shall sample, inspect, make analyses of and test soil amendments
132 distributed within this state at any time and place to such extent as is
133 deemed necessary to determine whether such soil amendments are in
134 compliance with provisions of sections 2 to 12, inclusive, of this act.
135 The commissioner or the commissioner's designee may enter upon
136 any public or private premises or carriers during regular business

137 hours in order to have access to (1) soil amendments subject to the
138 provisions of sections 2 to 12, inclusive, of this act and any regulations
139 adopted under said sections, and (2) any records relating to the
140 distribution of such soil amendments.

141 (b) The methods of analysis and sampling shall be those approved
142 by the director and derived from authoritative sources including, but
143 not limited to, the Association of Official Analytical Chemists
144 International.

145 (c) The results of official analyses of soil amendments shall be
146 distributed by the director.

147 Sec. 7. (NEW) Any person who violates section 2 or 3 of this act shall
148 be assessed a civil penalty in an amount not to exceed one thousand
149 dollars for each violation. Any person who violates section 4 or 5 of
150 this act, or an order issued under section 8 of this act, shall be assessed
151 a civil penalty in an amount not less than one thousand dollars or
152 more than two thousand five hundred dollars for each violation. The
153 Attorney General, upon complaint of the commissioner, may institute
154 a civil action to recover such penalty in the superior court for the
155 judicial district of Hartford. All actions brought by the Attorney
156 General shall have precedence in the order of trial as provided in
157 section 52-191 of the general statutes. The Superior Court, in an action
158 brought by the Attorney General at the request of the commissioner,
159 shall have jurisdiction to restrain a continuing violation of said sections
160 and to issue orders directing that the violation be corrected or
161 removed.

162 Sec. 8. (NEW) The commissioner may issue and enforce an order to
163 the owner or custodian of any lot of soil amendment to stop the sale or
164 use of such soil amendment and to hold such soil amendment at a
165 designated place when the commissioner finds such soil amendment is
166 being offered for sale in violation of any of the provisions of sections 2
167 to 12, inclusive, of this act. The commissioner may rescind such order
168 in writing when such provisions have been complied with and all costs

169 and expenses incurred in connection with complying with the order
170 have been paid. The distributor shall be entirely responsible for any
171 costs associated with such order and shall assume all liability for
172 distribution of amendments deemed adulterated.

173 Sec. 9. (NEW) The commissioner may cooperate with and enter into
174 agreements with governmental agencies of this state, other states,
175 agencies of the federal government and private associations in order to
176 carry out the purposes and provisions of sections 2 to 12, inclusive, of
177 this act.

178 Sec. 10. (NEW) The director shall publish at least annually a report
179 of the results of the analyses of any soil amendments analyzed under
180 section 6 of this act.

181 Sec. 11. (NEW) The commissioner may refuse registration of any
182 brand of soil amendment if the commissioner finds the brand of soil
183 amendment violates any provision of sections 2 to 12, inclusive, of this
184 act or regulations adopted under said sections. The commissioner may
185 cancel the registration of any brand of soil amendment upon
186 satisfactory evidence that the registrant has used fraudulent or
187 deceptive practices in complying with said sections or said regulations
188 provided no registration shall be revoked until the registrant has been
189 given the opportunity to appear for a hearing by the commissioner.

190 Sec. 12. (NEW) The Commissioner of Agriculture may adopt
191 regulations, in accordance with the provisions of chapter 54 of the
192 general statutes, to carry out the provisions of sections 2 to 11,
193 inclusive, of this act. Such regulations may include provisions
194 regarding sampling, analytical methods, form of soil amendments,
195 minimum percentages, soil amending ingredients, exempted materials,
196 investigational allowances, definitions, records, labels or labeling,
197 liability bonds, misbranding, mislabeling and the distribution of soil
198 amendments. In the interest of uniformity, the commissioner may
199 adopt, in such regulations, unless the commissioner determines that
200 they are not appropriate to conditions that exist in this state, the

201 official definitions of soil amendment ingredients, official regulations
202 and the official soil amendment terms adopted by the Association of
203 American Plant Food Control Officials and published in its official
204 publication and may incorporate by reference any other provisions
205 that the association adopts for the regulation of soil amendments.

206 Sec. 13. (NEW) As used in sections 14 to 24, inclusive, of this act:

207 (1) "Person" means an individual, partnership, corporation, limited
208 liability company or association;

209 (2) "Distribute" means to offer for sale, sell, exchange or barter, or to
210 supply, furnish or otherwise provide;

211 (3) "Distributor" means any person who distributes;

212 (4) "Agricultural liming material" means a product containing
213 calcium and magnesium compounds capable of and used for
214 neutralizing soil acidity;

215 (5) "Limestone" means an agricultural liming material consisting
216 essentially of calcium carbonate or a combination of calcium carbonate
217 with magnesium carbonate capable of neutralizing soil;

218 (6) "Burnt lime" means a calcined material composed chiefly of
219 calcium oxide in natural association with lesser amounts of
220 magnesium, and that is capable of slaking with water;

221 (7) "Hydrated lime" means a dry material made from burnt lime;

222 (8) "Marl" means a granular or loosely consolidated earthy material
223 composed largely of shell fragments and calcium carbonate
224 precipitated in ponds;

225 (9) "Industrial coproduct" means any industrial waste or by-product
226 containing calcium or calcium and magnesium in forms that will
227 neutralize soil acidity, including, but not limited to, such products
228 designated by prefixing the name of the industry or process by which

229 it is produced, such as gas-house lime, tanners' lime, acetylene lime-
230 waste, lime-kiln ashes or calcium silicate;

231 (10) "Brand" means the term, trademark, product name or other
232 specific designation under which individual agricultural liming
233 material is offered for sale;

234 (11) "Fineness" means the percentage by weight of the material
235 which will pass U.S. Standard sieves of specified sizes;

236 (12) "Ton" means a net weight of two thousand pounds avoirdupois;

237 (13) "Per cent" or "percentages" means a portion of an agricultural
238 liming material by weight;

239 (14) "Official sample" means a sample of agricultural liming material
240 taken by the commissioner or the commissioner's designee in
241 accordance with the provisions of section 17 of this act;

242 (15) "Bulk" means without packaging;

243 (16) "Label" means any handwritten or printed matter on or
244 attached to a package containing agricultural liming materials or on
245 the delivery ticket that accompanies bulk shipments;

246 (17) "Calcium Carbonate Equivalent (CCE)" means the acid
247 neutralizing capacity of a carbonate rock expressed as a percentage of
248 the acid neutralizing capacity of pure calcium carbonate;

249 (18) "Weight" means the weight of undried material as offered for
250 sale;

251 (19) "Director" means the director of the Connecticut Agricultural
252 Experiment Station; and

253 (20) "Commissioner" means the Commissioner of Agriculture.

254 Sec. 14. (NEW) (a) No person may distribute an agricultural liming
255 material unless it has been registered with the commissioner in

256 accordance with the provisions of this section. An application for
257 registration shall be submitted annually to the commissioner on the
258 form furnished or approved by the commissioner. Upon approval of
259 the application by the commissioner, a copy of the registration shall be
260 furnished to the applicant. Such registration shall expire on June
261 thirtieth of the following year. Each distributor shall submit to the
262 commissioner a copy of labels and any advertising literature for each
263 agricultural liming material with the registration application.

264 (b) A distributor shall not be required to register any brand of
265 agricultural liming material already registered under this section by
266 another person, provided the label does not differ in any respect.

267 Sec. 15. (NEW) (a) The following information shall appear on the
268 face or display side of any package or container of any agricultural
269 liming material, in a conspicuous manner, on a plainly printed,
270 stamped or otherwise marked label, tag or statement or, in the case of
271 bulk sales, a delivery slip: (1) The name and principal office address of
272 the manufacturer or distributor; (2) the brand of the material; (3) the
273 type of the agricultural liming material; (4) the net weight of the
274 agricultural liming material; (5) the minimum percentage of calcium
275 oxide and magnesium oxide or calcium carbonate and magnesium
276 carbonate; (6) the calcium carbonate equivalent as determined by
277 methods prescribed by the Association of Official Analytical Chemists
278 International; and (7) the minimum percentage of such material that
279 will pass through U.S. Standard sieves as prescribed by regulations
280 adopted by the commissioner in accordance with the provisions of
281 chapter 54 of the general statutes.

282 (b) No information or statement may appear on any package, label,
283 delivery slip or advertising matter that is false or misleading to the
284 purchaser as to the quality, analysis type or composition of
285 agricultural liming material.

286 (c) In the case of any material that has been adulterated subsequent
287 to packaging, labeling or loading and before delivery to the consumer,

288 a plainly marked notice to that effect shall be affixed by the vendor to
289 the package or delivery slip to identify the kind and degree of such
290 adulteration.

291 (d) At any site from which agricultural liming materials are
292 delivered in bulk and at any site where consumer orders for bulk
293 deliveries are placed, there shall be conspicuously posted a copy of the
294 statement required by this section for each brand of material.

295 Sec. 16. (NEW) Not later than thirty days following the expiration of
296 registration under section 15 of this act, each registrant shall submit on
297 a form furnished or approved by the commissioner an annual
298 statement setting forth, by county, the number of tons of each
299 agricultural liming material sold for use in the state during the
300 previous twelve-month period.

301 Sec. 17. (NEW) (a) The commissioner or the commissioner's
302 designee shall sample, inspect, make analyses of and test agricultural
303 liming materials distributed within this state at any time and place to
304 such extent as is deemed necessary to determine whether such
305 materials are in compliance with the provisions of sections 14 to 24,
306 inclusive, of this act. The commissioner or the commissioner's designee
307 may enter upon any public or private premises or carriers during
308 regular business hours in order to have access to (1) such materials
309 subject to the provisions of sections 14 to 24, inclusive, of this act and
310 any regulations adopted under said sections 14 to 24, inclusive, and (2)
311 any records relating to the distribution of such materials.

312 (b) The methods of analysis and sampling shall be those approved
313 by the director and derived from authoritative sources including, but
314 not limited to, the Association of Official Analytical Chemists
315 International.

316 (c) The results of official analyses of agricultural liming materials
317 shall be distributed by the director.

318 Sec. 18. (NEW) (a) No agricultural liming material may be sold or

319 offered for sale in this state unless it complies with provisions of
320 sections 14 to 24, inclusive, of this act.

321 (b) No agricultural liming material may be sold or offered for sale in
322 this state if: (1) It contains any deleterious or harmful agent in
323 sufficient amount to render it injurious to beneficial plant or animal life
324 when applied in accordance with directions for use on its label or if
325 adequate warning statements and directions for use that may be
326 necessary to protect beneficial plant or animal life are not on the label;
327 or (2) any information or statement appears on any package, label,
328 delivery slip, ticket, invoice or advertising matter that is false or
329 misleading to the purchaser as to the quality, analysis, composition or
330 commercial value of the agricultural liming material.

331 Sec. 19. (NEW) The commissioner may issue and enforce an order to
332 the owner or custodian of any lot of agricultural liming material to
333 stop the sale or use of such material and to hold such material at a
334 designated place when the commissioner finds such material is being
335 offered for sale in violation of any of the provisions of sections 14 to 24,
336 inclusive, of this act. The commissioner may rescind such order in
337 writing when such provisions have been complied with and all costs
338 and expenses incurred in connection with complying with the order
339 have been paid. The distributor shall be entirely responsible for any
340 costs associated with such order and shall assume all liability for
341 distribution of liming materials deemed adulterated.

342 Sec. 20. (NEW) The Commissioner of Agriculture may cooperate
343 with and enter into agreements with governmental agencies of this
344 state, other states, agencies of the federal government and private
345 associations in order to carry out the purposes and provisions of
346 sections 14 to 24, inclusive, of this act.

347 Sec. 21. (NEW) The commissioner may revoke or suspend the
348 registration of, or refuse to issue a registration to, any person who has
349 wilfully violated any of the provisions of sections 14 to 24, inclusive, of
350 this act.

351 Sec. 22. (NEW) The Commissioner of Agriculture may adopt
352 regulations, in accordance with the provisions of chapter 54 of the
353 general statutes, to carry out the provisions of sections 13 to 24,
354 inclusive, of this act. Such regulations may include provisions
355 regarding sampling, analytical methods, minimum percentages,
356 agricultural liming material ingredients, exempted materials,
357 investigational allowances, definitions, records, labels or labeling,
358 liability bonds, misbranding, mislabeling and the distribution of
359 agricultural liming materials. In the interest of uniformity, the
360 commissioner may adopt in such regulations, unless the commissioner
361 determines that they are not appropriate to conditions that exist in this
362 state, the official definitions of agricultural liming material ingredients,
363 official regulations and the official agricultural liming material terms
364 adopted by the Association of American Plant Food Control Officials
365 and published in its official publication and may incorporate by
366 reference any other provisions that the association adopts for the
367 regulation of agricultural liming materials.

368 Sec. 23. (NEW) Notwithstanding the provisions of sections 13 to 22,
369 inclusive, of this act, registrants may sell or use existing inventories of
370 liming materials until July 1, 2001.

371 Sec. 24. (NEW) Any person who violates section 14 or 15 of this act
372 shall be assessed a civil penalty in an amount not to exceed one
373 thousand dollars for each violation. Any person who violates section
374 18 of this act, or an order issued under section 19 of this act, shall be
375 assessed a civil penalty in an amount not less than one thousand
376 dollars or more than two thousand five hundred dollars for each
377 violation. The Attorney General, upon complaint of the commissioner,
378 may institute a civil action to recover such penalty in the superior
379 court for the judicial district of Hartford. All actions brought by the
380 Attorney General shall have precedence in the order of trial as
381 provided in section 52-191 of the general statutes. The Superior Court,
382 in an action brought by the Attorney General at the request of the
383 commissioner shall have jurisdiction to restrain a continuing violation
384 of said sections and to issue orders directing that the violation be

385 corrected or removed.

386 Sec. 25. This act shall take effect July 1, 2000.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost, Potential Minimal Revenue Gain

Affected Agencies: Department of Agriculture, Agricultural Experiment Station, Office of the Attorney General

Municipal Impact: None

Explanation**State Impact:**

Any increase in the workload of the Department of Agriculture (DOA) due to the registration of soil amendments and agricultural liming material is anticipated to be minimal and handled within DOA budgetary resources. There are approximately 100 products which will need to be registered. Costs for forms and mailings are estimated at less than \$500. Sampling and enforcement will be handled by DOA staff in the course of their current duties. The additional products are at the same facilities and outlets that are currently inspected.

The Agricultural Experiment Station is anticipated to be able to handle the minimal amount of testing (about 25 tests) without impacting current programs. Each test is estimated to require approximately four hours of staff time and supplies costing \$25. Additional testing would divert staff and resources from current program activities.

The potential increase in the workload of the Office of the Attorney General due to instituting civil actions is anticipated to be minimal and absorbed within the budgetary resources of the office.

Any increase in revenue to the state due to additional civil penalties is anticipated to be minimal.

House "A" makes instituting a civil action discretionary and minimally reduces the increase in the workload of the Attorney General from the underlying bill.

OLR Amended Bill Analysis

sHB 5055 (as amended by House "A")*

AN ACT CONCERNING SOIL AMENDMENTS AND AGRICULTURAL LIMING MATERIALS.**SUMMARY:**

This bill establishes a program to regulate the distribution and sale of soil amendments and agricultural liming material similar to the state's current requirements for commercial fertilizers.

It defines soil amendments and agricultural liming materials and prohibits their distribution unless they are registered with the Department of Agriculture (DAG). It establishes registration requirements and procedures, and minimum labeling requirements; prohibits the distribution of misbranded or adulterated soil amendments or liming materials; and requires DAG to sample, inspect, analyze and test them as necessary.

The bill authorizes DAG to issue stop-sale orders under certain conditions and to adopt regulations for each program. It also authorizes DAG to cooperate or enter into agreements with other state or federal agencies. It establishes penalties for violations and authorizes the attorney general, upon DAG complaint, to bring a civil action to recover the penalties.

*House Amendment "A" authorizes, rather than requires, the attorney general, upon DAG complaint, to bring a civil action to recover soil amendment and liming material penalties. It also makes minor changes.

EFFECTIVE DATE: July 1, 2000

SOIL AMENDMENTS REQUIREMENTS***Definitions***

The bill defines "soil amendments" as any substance intended to

improve the physical or chemical characteristic of soil but not commercial fertilizers, liming materials, animal and vegetable manures, compost, or other material DAG exempts.

It also defines other related terms.

Registration

The bill prohibits distribution of unregistered soil amendments, except distributors are not required to register a brand of soil amendments that is already registered if the labels are the same.

Registration Application

Applicants must apply to DAG annually to register their soil amendments. The application must be on a department form and must include copies of the product labels and any advertising literature. DAG may require proof of any claims made and of the products' usefulness. The proof may rely on experimental data, evaluations, or advice supplied from sources if the experiment design is related to state conditions. DAG may accept or reject sources of proof deemed reliable.

The commissioner may refuse registration of any brand of soil amendment if it violates the program requirements. She may cancel a registration upon satisfactory evidence that it was obtained fraudulently or using deceptive practices. The registrant must have an opportunity to "appear before" the DAG commissioner before a registration is revoked.

Under the bill, all registrations expire on September 30 of the year after they are issued. Registrants must reapply to DAG annually.

Labeling

All soil amendments must have readable and conspicuous labels on their packaging, except bulk shipments may carry a hand-written or printed labels for the purchaser. The label must include the following information:

1. net weight,
2. brand,

3. guaranteed product analysis including a list of ingredients,
4. product purpose,
5. product application directions, and
6. registrant's name and address.

The label may not list any soil amending ingredient without DAG approval. DAG may allow listing ingredients if satisfactory data substantiate their value and usefulness. DAG may rely on authoritative sources in evaluating data. If an ingredient is listed, it must be present in the product to a degree detectable by laboratory methods. The director of the Connecticut Agricultural Experiment Station may establish methods and procedures for soil amending ingredient inspection and analysis. The methods must be derived from an authoritative source such as the Association of Official Analytical Chemists International.

The label may not contain any false or misleading information regarding the use, value, quality, analysis, type, or composition of the product.

Misbranding

The bill prohibits distribution of misbranded soil amendments. A product is misbranded if it:

1. has a false or misleading label;
2. is distributed under another soil amendment's name;
3. is not properly labeled;
4. is represented as containing a soil amendment it does not contain;
or
5. does not meet the required soil amendment form, minimum percentages, labeling, and or investigational allowances.

Adulterated

The bill prohibits the distribution of adulterated soil amendments. A product is adulterated if it:

1. contains harmful or deleterious agents sufficient to injure beneficial plants or animal life when used as directed,
2. lacks adequate warnings and directions on its label needed to protect beneficial plants or animal life,
3. differs from the composition described on its label, or
4. contains unwanted crop or weed seed.

Sampling, Testing, Inspection, and Analyses Requirements

The bill requires DAG to sample, inspect, analyze, and test soil amendments at any time and to any extent necessary to determine program compliance. It authorizes DAG to enter any public or private premises or common carriers during regular business hours to have access to liming materials and records relating to their distribution.

It appears DAG may take samples for analysis. The sampling and analysis methods must be in accordance with those approved by the Agricultural Experiment Station.

The bill requires DAG to annually publish the results of its analyses.

Stop-Sale Orders

DAG may issue and enforce orders to stop the sale or use of a soil amendment that violates the program requirements and to hold the product at the place where it is being sold. DAG may rescind a stop-sale order once the product complies with the requirements and all related expenses have been paid. The distributor must pay such costs and is liable for distribution of adulterated product.

Regulations

The bill authorizes DAG to adopt regulations to implement the program. The regulations may include provisions regarding sampling, analytic methods, form of soil amendments, minimum percentages, soil amendment ingredients, exempt materials, investigational allowances, definitions, records, labels or labeling, liability bonds, misbranding, mislabeling, and the distribution of soil amendments.

The regulations may also include a definition of soil amendment ingredient and the official regulations and terms regarding soil amendments adopted and published by the Association of American Plant Food Control Officials. They may also incorporate any other association provisions by reference.

Penalty

The bill establishes a maximum civil penalty of \$1,000 for violating the registration or labeling requirements. Anyone who violates a stop-sale order or the misbranded or adulterated product provisions is subject to a civil penalty of at least \$1,000 and no more than \$2,500.

The bill authorizes the attorney general, upon DAG complaint, to bring a civil action in Superior Court to recover the penalty. Such actions have precedence in the order of trial.

AGRICULTURAL LIMING AMENDMENTS

Definitions

The bill defines “agricultural liming material” as a product containing calcium and magnesium compounds used to neutralize soil acidity. It also defines other related terms.

Registration

The bill prohibits the distribution of unregistered agricultural liming material, except registrants may use or sell existing inventories of such material until July 1, 2001, and distributors are not required to register a brand of liming material that is already registered.

Registration Application

Applicants must apply to DAG annually. The application must be on a DAG form and must include a copy of the product label and any advertising literature. Upon approval, DAG must issue a registration. Under the bill, all registrations expire June 30 the year after they are issued.

Thirty days after registrations expire, registrants must provide DAG with an annual county-by-county statement of the tons of agricultural

liming material sold for use in the state. (The bill refers to the registration requirement in section 15; the requirement is in section 14.)

DAG may revoke, suspend, or refuse to issue a registration to anyone who willfully violates the program requirements.

Labeling

The bill requires all agricultural liming material containers to be conspicuously and plainly labeled on the display or face of the container, except bulk deliveries may be accompanied by a delivery slip. The label must contain the:

1. manufacturer's or distributor's name and principal address;
2. brand and type of material;
3. net weight;
4. minimum percentage of calcium and magnesium oxide or carbonate; and
5. calcium carbonate equivalent determined in accordance with methods prescribed by the Association of Official Analytical Chemists International, and the minimum percentage of such material that will pass through standard sieves in accordance with DAG regulations.

The label may not contain any false or misleading information about the product's quality, analysis type, or composition.

Adulterated Materials

The bill requires material adulterated after packaging but before delivery to consumers to be plainly marked by the vendor with the kind and degree of adulteration. For material delivered in bulk or at any site where consumers order bulk material, there must be a conspicuous sign regarding the adulteration of each brand.

Sampling, Testing, Inspecting, and Analyzing Agricultural Liming Materials

The bill requires DAG to sample, inspect, analyze, and test agricultural liming material at any time and to any extent necessary to determine program compliance. It authorizes DAG to enter any public or private premises or common carriers during regular business hours to have access to soil amendments and records relating to distribution of such amendments.

It appears DAG may take samples for analysis. The sampling and analysis methods must be in accordance with those approved by the Connecticut Agricultural Experiment Station and derived from authoritative sources, including the Association of Official Analytical Chemists International.

The bill requires the Connecticut Agricultural Experiment Station director to publish annually the results of its analyses.

Stop-Sale Orders

DAG may issue and enforce orders to stop the sale or use of agricultural liming materials in violation of program requirements and to hold the product at the place where it is being sold. DAG may rescind a stop-sale order once the product complies with the requirements and all related expenses have been paid. The distributor must pay the costs and is liable for distribution of an adulterated product.

Regulations

The bill authorizes DAG to adopt regulations to implement the program. (The bill refers to sections 15 to 24; the program begins with section 13). The regulations may include provisions regarding sampling, analytic methods, minimum percentages, agricultural liming ingredients, exempt material, investigational allowances, definitions, records, labels or labeling, liability bonds, misbranding, mislabeling, and distribution of agricultural liming materials.

The regulations may also include a definition of agricultural liming material ingredients and the official regulations and terms regarding agricultural liming material adopted and published by the Association of American Plant Food Control Officials. They may incorporate any other association provisions by reference.

Penalties

The bill establishes a maximum civil penalty of \$1,000 for violations of the registration or labeling requirements. Any one who violates a stop-sale order or otherwise violates a provision of the program is subject to a civil penalty of at least \$1,000 and no more than \$2,500.

The bill authorizes the attorney general, upon DAG complaint, to bring a civil action in Superior Court to recover the penalty. Such actions shall have precedence in the order of trial.

Legislative History

The bill (File 432) was referred to the GAE Committee on April 11. The committee favorably reported it unchanged on April 12.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute Change of Reference

Yea 23 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0

Government Administration and Elections Committee

Joint Favorable Report

Yea 22 Nay 0